IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3567 OF 2006
AND
WRIT PETITION NO. 3568 OF 2006.

Shri Chandmal Devichand Gandhi & Ors (W.P.3567/06)
Smt.Hemavathi C. Alva (W.P.No.3568/06)..... ..
Petitioners
V/s
Pimpri Chinchwad Mun. Corpn. & Ors.. ...
Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr.A.A.Bhatewara, Adv. for the petitioners.

Mr.N.V.Walawalkar, Sr.Adv. with Mr.G.H. Keluskar for respondent No.1.

Mr.S.R.Nargokar, AGP for R.Nos. 2 to 4.

CORAM: V.G.

PALSHIKAR

AND

V.M.KANADE, JJ.

12.06.2006.

PC:

By these petitions the petitioners have challenged the award made under the provisions of the Land Acquisition Act for extension of road as

a dire necessity for the residents of Pimpri Chinchwad Municipal Corporation.

2. The award is challenged basically on two grounds viz. (i) that the Land Acquisition Act itself does not apply and therefore all proceedings initiated thereunder including the acquisition proceedings and the award are void *ab-initio* and are liable to be so declared; (ii) assuming that the Act applies the award passed thereunder is again void *ab-initio* as it is passed in violation of the provisions of section 11A of the Land Acquisition Act.

3. Both the submissions therefore lead to a contention that the award passed under the Land Acquisition Act is void *ab-initio*. Such declaration can be sought from Appropriate Authority or Court. Therefore an effective remedy is available to the petitioners. Reserving the petitioners' right to pursue such remedy, both the petitions are dismissed.

4. Interim relief granted earlier is vacated. Prayer for extending the status quo is rejected.

5. Parties to act on authenticated copy of this order.

12.6.06